

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

)

ROYCE SOLOMON, JODI BELLECI,)
MICHAEL LITTLEJOHN, and)
GUILIANNA LOMAGLIO, *individually*)
and on behalf of all others similarly)
situated,)
)

Plaintiffs,)
)

v.)
)

AMERICAN WEB LOAN, INC., AWL)
INC., MARK CURRY, MACFARLANE)
GROUP, INC., THE MACFARLANE)
GROUP, LC, SOL PARTNERS, MEDLEY)
OPPORTUNITY FUND II, LP, MEDLEY)
LLC, MEDLEY CAPITAL CORP.,)
OAKMONT FUNDING, INC., DINERO)
INVESTMENTS, INC., CHIEFTAIN)
FUNDING, INC., DANT HOLDINGS,)
INC., DHI COMPUTING SERVICE,)
INC., SMITH HAYNES & WATSON,)
LLC, MIDDLEMARCH PARTNERS, and)
JOHN DOES 1-100,)
)

Defendants)

Case No. 4:17-cv-145-RAJ-RJK

**MIDDLEMARCH'S RULE 12(b)(6) MOTION TO DISMISS
SECOND AMENDED CLASS ACTION COMPLAINT**

Defendants Middlemarch Partners, LLC and Middlemarch Securities, LLC (collectively, “Middlemarch”), by counsel, pursuant to Federal Rule of Civil Procedure 12(b)(6), respectfully move to dismiss the claims asserted against them in Plaintiffs’ Second Amended Class Action Complaint dated March 9, 2019 (“SAC”) (Doc. No. 355) for violation of the federal Racketeering Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. § 1962(d) (Count

Two) and unjust enrichment (Count Nine). The basis for this motion is set forth in the Memorandum in Support being filed contemporaneously herewith.

Dated: April 8, 2019

Respectfully submitted,

MIDDLEMARCH PARTNERS, LLC and
MIDDLEMARCH SECURITIES, LLC

By: /s/ Michael J. Lockerby
Counsel

Michael J. Lockerby (VSB No. 24003)
Lauren A. Champaign (VSB No. 81962)
FOLEY & LARDNER LLP
Washington Harbour
3000 K Street, N.W., Suite 600
Washington, D.C. 20007-5143
Tel: (202) 672-5300
Fax: (202) 672-5399
E-mail: mlockerby@foley.com
E-mail: lchampaign@foley.com

James B. Daniels (admitted *pro hac vice*)
BUDD LARNER, P.C.
150 John F. Kennedy Parkway
Short Hills, New Jersey 07078
Tel: (973) 379-4800
Fax: (973) 379-7734
E-mail: jdaniels@buddlarner.com

*Counsel for Defendants Middlemarch Partners, LLC
and Middlemarch Securities, LLC*

CERTIFICATE OF SERVICE

I hereby certify on the 8th day of April 2019, I electronically filed the foregoing **MIDDLEMARCH'S RULE 12(b)(6) MOTION TO DISMISS SECOND AMENDED CLASS ACTION COMPLAINT** with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/ Michael J. Lockerby

Michael J. Lockerby (VSB No. 24003)
FOLEY & LARDNER LLP
Washington Harbour
3000 K Street, N.W., Suite 600
Washington, D.C. 20007-5143
(202) 945-6079
Fax: (202) 672-5399
Mlockerby@foley.com